IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6589 of 1994

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VISRAMBHAI ANANDJI GADHAVI - Petitioner(s)

Versus

G S R T C., BHUJ DIVISION - Respondent(s)

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Appearance :

MR MUKESH H RATHOD for Petitioner No(s).: 1.

MS BHAVIKA KOTECHA for MR YOGESH S LAKHANI for Respondent No(s).: 1.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 15/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the award dated

21.07.1993 passed by the Labour Court, Rajkot, in Reference No.1407 of 1989, whereby the said reference was rejected.

2.0 The petitioner was working as a Conductor with the respondent Corporation. On 20.08.1983, while the petitioner was on duty, the bus was checked by the checking squad of the respondent and they found certain irregularities in the issuance of tickets. Therefore, charge-sheet was issued and departmental inquiry was held against the petitioner. Since the charges were proved, the petitioner was dismissed from service on 17.02.1988. The appeal preferred by the petitioner was also rejected.

2.1 The petitioner raised a dispute which ultimately came to be referred to the Labour Court by way of a reference. The Labour Court, by impugned order, rejected the said reference. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. In the departmental inquiry held against the petitioner, the charges leveled against him were proved. The Labour Court has recorded a finding that the petitioner had not behaved properly with the Checking Officer and had also allowed the passengers to go away before their statements could be recorded by the Checking

Officer.

3.1 The Labour Court has passed the impugned order considering the conduct of the workmen. I am in complete agreement with the reasonings given by and the findings arrived at by the Labour Court in its impugned order and find no reason to interfere in this petition. However, looking to the period of service rendered by the petitioner, it would be appropriate to consider the date of dismissal of the petitioner, i.e. 17.02.1988 the date on which he voluntarily resigned from the service.

4.0 In above view of the matter, the petitioner workman shall approach the respondent Corporation along with an application requesting the respondent Corporation to consider the date of dismissal of the petitioner, i.e. 17.02.1988, as if the date on which he voluntarily resigned from the service. On receipt of such an application from the petitioner, the respondent is directed to grant all retirement dues to the petitioner, as if the petitioner has voluntarily resigned from service on 17.02.1988. With the above direction, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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